

EXHIBIT K

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ALPHA AND OMEGA SEMICONDUCTOR
LIMITED, a Bermuda exempt
limited liability company; and
ALPHA AND OMEGA SEMICONDUCTOR
INCORPORATED, a California
corporation,

Plaintiffs,

v.

Case No.

FORCE MOS TECHNOLOGY CO., LTD.,
a Taiwan corporation,
Defendant.

4:22-cv-05448-HSG

VIDEOTAPED STATEMENT ON THE RECORD RE:

DEPOSITION OF FU YUAN HSIEH

DATE: Wednesday, August 2, 2023

TIME: 10:09 a.m.

LOCATION: Remote Proceeding

San Francisco, CA 94104

OFFICIATED BY: Melissa Lacabanne, Notary Public

JOB NO.: 6038884



Page 1

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF ALPHA AND OMEGA SEMICONDUCTOR:

MARIO MOORE, ESQUIRE (by videoconference)

DAN JOHNSON, ESQUIRE (by videoconference)

Dan Johnson Law Group, LLP

1350 Old Bayshore Highway, Suite 520

Burlingame, CA 94010

mario@danjohnsonlawgroup.com

dan@danjohnsonlawgroup.com

(415) 604-4500

ON BEHALF OF DEFENDANT FORCE MOS TECHNOLOGY CO., LTD.:

CHRISTOPHER E. HANBA, ESQUIRE (by videoconference)

ARIANA DESKINS PELLEGRINO, ESQUIRE (by

videoconference)

Dickinson Wright, PLLC

607 West 3rd Street, Suite 2500

Austin , TX 78701

chanba@dickinsonwright.com

apellegrino@dickinsonwright.com

(512) 582-6889

A P P E A R A N C E S (Cont'd)

ALSO PRESENT:

Jacob Goodlad, Videographer, Veritas Court
Reporting, LLC (by videoconference)

Andrew Greenfield, Dan Johnson Law Group, LLP, (by
videoconference)

Bill Talbott, Dan Johnson Law Group, LLP (by
videoconference)

I N D E X

EXAMINATION:

PAGE

(Nonappearance.)

E X H I B I T S

NO.

DESCRIPTION

PAGE

Exhibit 1

Plaintiffs' Notice Of Subpoena

to Fu Yuan Hsieh dated 6/14/23

6

Exhibit 2

Proof of Service on 7/27/23

7

Exhibit 3

Affidavit of Service, 7/27/23

8

Exhibit 4

Photos of Service on Dr. Hsieh

10

Exhibit 5

First Legal Affidavit of

Due Diligence dated 6/26/23

10

Page 4

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: And recording has
3 begun, 10:09 a.m.

4 THE OFFICER: Good morning. My name is
5 Melissa Lacabanne; I am the deposition officer assigned
6 by Veritext to take the recording of this proceeding.

7 If you would like to go ahead and leave a
8 record for this proceeding.

9 MR. MOORE: Thank you. Good morning.
10 This is Mario Moore, counsel for Plaintiff Alpha Omega
11 Semiconductor. With me also from the firm, Dan Johnson
12 Law Group, with me is Dan Johnson as well as Andrew
13 Greenfeld and Bill Talbott.

14 We're here in the deposition of Fu Yuan
15 Hsieh, who was noticed for deposition pursuant to a
16 subpoena in this matter. Counsel for the opposing
17 party, Force Mos, is also on the line.

18 MR. HANBA: Yeah, so just for the record,
19 this is Christopher Hanba and Ariana Pellegrino for
20 Force Mos.

21 MR. MOORE: Let's go ahead and mark the
22 first exhibit, which is the subpoena and notice of
23 deposition.

24 You know, Andrew, let me know when you
25 have that. Thank you, Andrew.

Page 5

1 So let's go ahead and mark this as
2 Exhibit 1. This is the Plaintiffs' Notice Of Subpoena
3 to Fu Yuan Hsieh. This was dated June 14th of 2023. It
4 issued by Dan Johnson Law Group, calling for Dr. Hsieh
5 to produce documents and appear for deposition.

6 (Exhibit 1 was marked for
7 identification.)

8 If we turn to the second page of the
9 notice, we'll see the date of June 14, 2023, and the
10 notice today to appear for deposition.

11 Let's go ahead and turn to the next page.
12 I will see this is a subpoena in the case Alpha and
13 Omega Semiconductor vs. Force Mos Technology, a case in
14 District Court, Northern District of California, Civil
15 Action 4:22-cv-05448, Subpoena to Testify at a
16 Deposition in a Civil Action. And the deposition was
17 noticed for Zoom to occur at 10:00 a.m. on August 2nd.

18 It is 10:00 a.m. on August -- it is past
19 10:00 a.m. on August 2nd. Dr. Hsieh has not appeared
20 for deposition today, and we have not received any
21 communication from him after he was served with this
22 subpoena.

23 Let's go ahead and go to the bottom of
24 the page. You'll see that the date is June 14th that
25 this subpoena issued, June 14, 2023.

Page 6

1 And then if we go to the -- two pages
2 down, one more page, we'll see this is Exhibit A with
3 the set of document requests. If we page down to the
4 last four pages, we'll see the request for production
5 begin at page 11 of the PDF, beginning with request
6 number 1 and continue through request number 17 on the
7 last page of the PDF, page 14.

8 Since being served with this subpoena,
9 Dr. Hsieh has not produced any documents in response to
10 any of the document requests in this subpoena.

11 Okay, we can take this document down.
12 Let's go ahead and put up the proof of service. And
13 that will be Exhibit 2 to the deposition.

14 (Exhibit 2 was marked for
15 identification.)

16 If we look at the first page, we see that
17 this is the subpoena to testify with a date of June 14th
18 like we saw in Exhibit 1. And calling for testimony on
19 August 2nd. If we go to the second page, we'll see on
20 Exhibit 2, second page, the Proof of Service. And we
21 see that Fu Yuan Hsieh is listed on the first line on
22 the date, it's July 27th.

23 And it indicates "I served the subpoena
24 by delivering a copy to the named individual as follows:
25 by personal service at Hilton Garden Inn Cupertino

Page 7

1 (Parking Lot) located at 10741 North Wolfe Road,
2 Cupertino, California 95014 on July 27, 2023."

3 We look below and it says "I declare
4 under penalty of perjury that this information is true."
5 There's a date of July 27, 2023, and the server's
6 signature. The server is indicated as Mersiha Kuennen
7 with an RPS number of PS-634, and the server's address
8 is listed as 1005 East Pescadero Avenue, Suite 167-1002,
9 Tracy, California 95304.

10 Below that is additional information
11 regarding attempted service, et cetera, and indicates
12 "Per client's request, a nine-hour stakeout was
13 performed in order to personally serve subject."

14 We can go ahead and take this document
15 down. Let's go ahead and put up Exhibit 3, which is the
16 affidavit regarding proof of service.

17 (Exhibit 3 was marked for
18 identification.)

19 Exhibit 3 is titled "Affidavit of
20 Service." Again, it has the case number for this
21 matter, Alpha and Omega Semiconductor vs. Force Mos.
22 Indicates a job number of 9269017 in the top right. It
23 indicates Cali Agent Services, and to be served upon Fu
24 Yuan Hsieh.

25 In the affidavit, it says "I, Mersiha

Page 8

1 Kuennen, being duly sworn, depose and say I am over
2 18 -- I am over the age of 18 years and not a party to
3 this action, and that within the boundaries of the state
4 where service was effected, I was authorized by law to
5 make service of the documents and inform said person of
6 the contents herein."

7 And then lists as the recipient Fu Yuan
8 Hsieh, Hilton Garden Inn Cupertino (Parking Lot), 10741
9 North Wolfe Road, Cupertino, California. Indicates
10 manner of service was personal/individual, July 27,
11 2023, 5:08 Pacific Daylight Time.

12 And the documents served were the
13 Plaintiffs' Notice of Subpoena to Fu Yuan Hsieh,
14 Subpoena to Testify at a Deposition in a Civil Action,
15 Exhibit A. Received by the process server July 27,
16 2023, at 9:05 Pacific Daylight Time.

17 Under additional comments, it indicates
18 "Successful attempt, July 27, 2023, 5:08 Pacific
19 Daylight Time at Hilton Garden Inn Cupertino" with the
20 address. "Received by Fu Yuan Hsieh, age 71, ethnicity
21 Asian American, gender male, weight 140 pounds, height
22 five-six. Personally served subject with documents
23 after nine hours of stakeout."

24 And then below that is the signature of
25 Mersiha Kuennen, July 27, 2023, Cali Agent Services of

1 Tracy, California.

2 Okay. We're done with this document.

3 Let's go ahead and put up the photos. This will be

4 Exhibit 4 to the deposition.

5 (Exhibit 4 was marked for

6 identification.)

7 This consists of three photos provided by
8 the process server, reflecting the service. The first
9 photo shows Dr. Hsieh holding a copy of the subpoena in
10 the Hilton Garden Inn parking lot.

11 Let's go down. The next photo is from
12 further away of same general time as showing Dr. Hsieh
13 with the subpoena.

14 Let's go to the next one. And another
15 photo showing Dr. Hsieh in the parking lot area of the
16 Hilton Garden Inn in Cupertino. We're done with this
17 document.

18 Let's go to the next document which is
19 the Affidavit of Due Diligence. This is Exhibit 5.

20 (Exhibit 5 was marked for
21 identification.)

22 And this Affidavit of Due Diligence is
23 for AOS v. Force Mos. Indicates the plaintiff in this
24 action and the defendant, as well as the case number.

25 In paragraph 1 it states: "I, Ellenor

Page 10

1 Rios PS0984, Santa Clara, and any employee or
2 independent contractors retained by First Legal are or
3 were on the dates mentioned herein over the age of 18
4 years and not a party to this action. Personal service
5 was attempted on subject Fu Yuan Hsieh as follows."

6 Paragraph 2 states "Documents: Subpoena
7 to Testify at a Deposition in a Civil Action; Plaintiffs
8 Alpha And Omega Semiconductor Limited's Notice of
9 Subpoena to Fu Yuan Hsieh."

10 Below that is attempt detail. Item 1
11 says: "Unsuccessful attempt by Ellenor Rios PS0984,
12 Santa Clara, on June 14, 2023, 5:21 p.m. Pacific
13 Daylight Time at 20768 Sevilla Lane in Saratoga,
14 California 95070. No answer at the door. No cars. All
15 quiet."

16 Item 2 states: "Unsuccessful attempt by
17 Ellenor Rios on June 15th at 7:08 a.m. Pacific Daylight
18 Time at 20768 Sevilla Lane, Saratoga, California 95070."
19 It indicates: "This is a bad address per tenant.
20 Subject no longer lives there. Will hold for further
21 instructions."

22 All right. And if we go down to the next
23 page on this Affidavit of Due Diligence, it lists person
24 who served papers is Ellenor Rios of First Legal. And
25 indicates "I am a registered California process server."

Page 11

1 Paragraph 4 is declaration under penalty
2 of perjury, and it bears a date of June 26, 2023, with
3 signature. Okay. We're done with this document.

4 The address in Saratoga listed on the
5 previous document, Exhibit 5, was listed in a patent
6 filing relating to Dr. Hsieh. But service was
7 unsuccessful there. The process servers then attempted
8 service multiple times until the successful service on
9 July 27, 2023.

10 Following the successful service of
11 documents, multiple attempts were made to reach out to
12 Dr. Hsieh by myself as counsel for Alpha and Omega
13 Semiconductor, including calls placed last Friday and
14 calls also placed yesterday.

15 But Dr. Hsieh never answered the phone,
16 nor did anyone else. And we have received no
17 communication from Dr. Hsieh following the service of
18 the subpoena.

19 I have also reached out to counsel for
20 Force Mos, and they have indicated they have received no
21 communication from Dr. Hsieh.

22 Dr. Hsieh has not appeared for his
23 deposition today, and Alpha and Omega Semiconductor
24 reserves all rights to seek relief from the Court,
25 including preclusion of any testimony at trial;

Page 12

1 including reappearance for the deposition at a later
2 date; as well as all documents called for in the
3 subpoena.

4 We, therefore, hold the deposition open
5 and reserve all rights to seek further relief from the
6 Court. Thank you.

7 MR. HANBA: Nothing for Force Mos.

8 MR. MOORE: Go ahead and go off the
9 record for a second?

10 THE VIDEOGRAPHER: Okay. This concludes
11 the end of Media unit number 1. The time is 10:23 a.m.;
12 we are off the record.

13 (Off the record.)

14 THE VIDEOGRAPHER: This marks the
15 beginning of Media unit number 2. The time is
16 10:27 a.m.; we are on the record.

17 MR. MOORE: Thank you. We have put in
18 our five exhibits. Dr. Hsieh has not appeared for
19 deposition, despite notice of subpoena, and despite
20 multiple attempts to reach out to confirm his appearance
21 today.

22 We, therefore, hold this deposition open
23 to take the full time with Dr. Hsieh when he appears for
24 deposition at a later date, and seek all relief from the
25 Court. Thank you.

Page 13

1 MR. HANBA: I would make a -- I just want
2 to make one comment on behalf of Force Mos, at least
3 from what I saw with regards to the subpoena, it didn't
4 look like there was a Zoom link on there. I may have
5 missed it. But if there was a Zoom link, I apologize.
6 We didn't receive the documents in advance. But I just
7 think that that should be noted for the record.

8 MR. MOORE: And to be clear, Force Mos
9 was provided with the Zoom link --

10 MR. HANBA: Dr. Hsieh.

11 MR. MOORE: -- and multiple attempts were
12 made to reach out to Dr. Hsieh to provide him with the
13 Zoom link, but he never responded.

14 MR. HANBA: Okay. Sorry.

15 MR. MOORE: Thank you.

16 MR. HANBA: Nothing further.

17 MR. MOORE: That's it for me.

18 THE VIDEOGRAPHER: Ms. Lacabanne, did you
19 want to get anything on the record?

20 THE OFFICER: Mr. Moore, would you like
21 this expedited, or regular timing?

22 MR. MOORE: Regular is fine.

23 THE OFFICER: Okay.

24 And Mr. Hanba said he didn't want a copy
25 of the --

1 MR. HANBA: Oh, yeah. Regular timing,
2 please. That's fine.

3 THE OFFICER: Regular timing. Okay.
4 Perfect.

5 MR. HANBA: Yeah.

6 THE OFFICER: Okay. And I think that's
7 everyone. Thank you.

8 MR. MOORE: Thanks.

9 THE VIDEOGRAPHER: And we are off the
10 record at 10:29 a.m.; and this concludes the deposition
11 for Fu Yuan Hsieh. Total number of media used was two
12 and will be retained by Veritext.

13 (Whereupon, at 10:29 a.m., the proceeding
14 was concluded.)
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF DEPOSITION OFFICER

I, MELISSA LACABANNE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

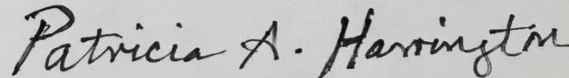


MELISSA LACABANNE

Notary Public in and for the
State of California

CERTIFICATE OF TRANSCRIBER

I, PATRICIA A. HARRINGTON, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, reading "Patricia A. Harrington", is centered within a light gray rectangular box.

PATRICIA A. HARRINGTON